

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CITYZENITH HOLDINGS, INC., and)
MICHAEL JANSEN,)
Plaintiffs,)
v.) 22-cv-05101
SHANE LIDDELL, and CALEB NAYSMITH,) Hon. Sara E. Ellis, District Judge
Defendants.)

MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING

Defendant SHANE LIDDELL, by his undersigned counsel, moves the Court for an extension of time to file his initial pleading, and in support of his motion states as follows.

1. The initial Complaint herein [Docket # 1] was filed on September 19, 2022, by Lubin Austermuehle, P.C. and the Law Office of Terrence Buhler.
2. On September 21, 2022, Plaintiffs filed their Amended Complaint [Docket # 8], apparently without seeking to serve the Defendants with the original Complaint.
3. On October 6, 2022, Defendant LIDDELL executed a Waiver of Service. [Docket # 11] The Waiver of Service (drafted by Plaintiffs' counsel) incorrectly identifies the court in which this action is pending as the District Court for the Northern District of Indiana.
4. On October 13, 2022, Defendant Naysmith was dismissed out of the case on Plaintiffs' motion. [Docket # 12]
5. On November 15, 2022, all of Plaintiffs' counsel were permitted to withdraw, on their motions. [Docket # 17]
6. Plaintiffs are currently without counsel of record. Per the Minute Order of November 15, 2022, they are to retain new counsel and enter an appearance by January 6, 2023.

7. Defendant LIDDELL's responsive pleading is presently due January 4, 2023.

8. Defendant LIDDELL is a citizen of the United Kingdom, formerly resident in Florida. He is currently residing in London, United Kingdom. Whether this Court has personal jurisdiction over him is doubtful, and the basis for jurisdiction is one matter which needs to be investigated further. Defendant does not waive the right to dispute personal jurisdiction.

9. Due to his residency out of the country, lack of presence in Illinois, and the holiday season, Defendant LIDDELL has had some logistical difficulties retaining counsel and entering an appearance. The undersigned counsel has just been retained and has not had the opportunity to thoroughly review the pleadings or investigate the facts as necessary to prepare a pleading.

10. In any event, it makes little sense for Defendant LIDDELL to be required to file a pleading before Plaintiffs have even obtained replacement counsel and entered an appearance.

11. Defendant respectfully requests that the Court grant him an additional 30 days, to the next business day, February 6, 2023, to file a responsive pleading.

WHEREFORE, Defendant SHANE LIDDELL prays the Court to extend his time to file a responsive pleading through and until February 6, 2023.

SHANE LIDDELL, Defendant

By: /s/ Marcos Reilly

Dated: December 30, 2022

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